

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) Case No. 05-00165-01-CR-W-SOW)
RANDALL E. RUE,)
)
Defendant.)

REPORT AND RECOMMENDATION

On April 20, 2005, defendant Randall Rue was charged by Indictment with being a felon in possession of a firearm that had been transported in interstate commerce. Defendant was originally released on bond. A violation report was prepared on June 10, 2005, alleging a violation of conditions 9(h) and (i) of the Order Setting Conditions of Release. The report also indicated that family members had committed defendant to a psychiatric unit of a hospital due to violent outbursts and suicidal tendencies. Prior to this incident, counsel for defendant had filed a motion asked for a mental examination. The Court's initial order directing defendant to undergo a mental examination at the offices of a psychiatrist in Kansas City was modified, and defendant was remanded to the custody of the United States Marshal for commitment to a United States Medical Center for Federal Prisoners to undergo a mental evaluation and examination. (See doc. # 16)

A hearing was held on August 25, 2005, at which time the parties stipulated to the contents of the report by Christine Scronce, a Forensic Psychologist. Defendant was diagnosed as follows:

Axis I:	292.0	Benzodiazepine Withdrawal Delirium, resolved
	304.10	Benzodiazepine Dependence, in Remission in a Controlled Environment
	304.40	Methamphetamine Dependence, in Remission in a Controlled Environment
	310.1	Personality Change Due to Brain Damage, Labile Type
Axis II:	301.7	Antisocial Personality Disorder

Axis III: Seizure disorder, hypertension, Hepatitis C, history of brain abscess and craniotomy, COPD, fibromyalgia, arthritis

Axis IV: Incarceration

Axis V: GAF=65(Current)

(Report at 11)

The examiner noted that with the cessation of drug use, many of defendant's mood symptoms remitted, and his mental status appeared stable. Thus, the examiner concluded that "Mr. Rue does not presently suffer from a mental disease or defect which renders him unable to understand the nature and consequences of the proceedings against him, or to assist properly in his defense."

(Report at 13)

Therefore, based on the information before the Court, it is

RECOMMENDED that the Court, after making an independent review of the record and applicable law, enter an order finding that defendant Randall Rue is not currently suffering from a mental disease or defect which would prevent him from understanding the nature and consequences of the proceedings against him or assisting in his own defense and that he is competent to stand trial.

Counsel are reminded they have ten days from the date of the receipt of a copy of this Report and Recommendation within which to file and serve objections to same. A failure to file and serve timely objections shall bar an attack on appeal of the factual findings in this Report and Recommendation which are accepted or adopted by the district judge, except on grounds of plain error or manifest injustice.

/s/

SARAH W. HAYS
UNITED STATES MAGISTRATE JUDGE